United Nations A/HRC/34/40

General Assembly

Distr.: General
30 March 2017

Original: English

Human Rights Council
Thirty-fourth session
27 February-24 March 2017
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Situation of human rights in the Islamic Republic of Iran*

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 71/204, in which the Assembly requested the Secretary-General to submit an interim report to the Human Rights Council at its thirty-fourth session. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on the progress made in the implementation of resolution 71/204, including recommendations to improve implementation. In its resolution, the General Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous reports of the Secretary-General and to respect fully its human rights obligations, in law and in practice.

* The present report is being submitted late in order to take account of information received from the Government of the Islamic Republic of Iran.

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I. Introduction

1. The present report is submitted to the Human Rights Council pursuant to General Assembly resolution 71/204, adopted on 19 December 2016, in which the Assembly requested the Secretary-General to submit a report to it on the situation of human rights in the Islamic Republic of Iran at its seventy-second session and an interim report to the Human Rights Council at its thirty-fourth session. The present interim report, covering the period from July to December 2016, provides information on progress made in the implementation of resolution 71/204, focusing on the concerns identified therein.

2. The Secretary-General draws upon observations made by the United Nations human rights treaty monitoring bodies, the special procedures of the Human Rights Council and various United Nations entities. He also refers to information from official State media and non-governmental organizations.

3. Since the most recent report of the Secretary-General submitted to the General Assembly (A/71/374), the application of the death penalty, including in relation to juvenile offenders, has continued at a very high rate. A large number of human rights defenders, in particular women's rights activists and journalists, have continued to be arrested, detained and prosecuted for the peaceful exercise of their profession or of their legitimate rights to freedoms of expression and association. Members of minority groups have continued to face persistent discrimination and persecution. Women's rights remain a priority concern, particularly underage marriage, the underrepresentation of women in the labour force and in decision-making positions, and the harassment of women's rights activists.

4. In December 2016, President Hassan Rouhani signed and declared the Citizen Rights Charter and indicated that upholding citizens' rights was a policy of his Government.[1] In his statement, he recognized the obligations of the Government to provide the conditions for the right to life, human dignity and justice for all Iranians, including those living outside the country, regardless of ethnicity, religious belief, age or gender. The Secretary-General welcomes the Citizen Rights Charter and looks forward to the adoption of measures for the full realization of the rights it upholds.

5. The Government of the Islamic Republic of Iran has continued to engage constructively with the United Nations treaty bodies and will present its first periodic report on the implementation of the Convention on the Rights of Persons with Disabilities in March 2017. No improvement was however noticed in relation to cooperation with the special procedure mandate holders of the Human Rights Council, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, who has yet to be allowed to visit the country.

II. Overview of the situation of human rights in the Islamic Republic of Iran

A. Death penalty

Use of the death penalty

6. While noting a decrease in the number of executions carried out in 2016 compared to 2015, the Secretary-General is alarmed at the number of individuals who were executed and at the death sentences handed down.

7. At least 530 persons, including 9 women, are known to have been executed in 2016. According to non-governmental sources, that figure might be much higher. As in previous years, the majority of the executions were related to drug offences.[2] According to an official

[1] See www.tehrantimes.com/news/409277/Rouhani-declares-Citizen-Rights-Charter.

[2] See Asre Iran State-run website, 25 December 2016.

news agency, on 23 November 2016, a member of parliament, Hassan Nourozi, indicated that about 5,000 prisoners aged between 20 and 30 years old, mostly first-time drug offenders, were on death row.[3]

8. Most of the cases involving capital punishment with which special procedure mandate holders have dealt over the past years reveal that due process guarantees were often violated in proceedings that fell short of international fair trial standards. United Nations human rights mechanisms have repeatedly and consistently expressed their great concern at this persistent trend and have urged the Government to end executions and institute a moratorium on the death penalty.

9. In his most recent report, the Secretary-General's predecessor indicated that he was encouraged by the increased recognition of the ineffectiveness of the death penalty to deter drug-related offences and the initiative of some parliamentarians to amend the mandatory death penalty for some of these offences (see A/71/374, para. 10). However, in the absence of progress towards adoption of such a bill and of a decision to institute a moratorium, executions of drug offenders continued at a high rate in 2016.

10. While taking note of the decision adopted in November 2016 by the parliament to speed up deliberations on the proposed amendments to the Penal Code, the Secretary-General remains concerned about the support reiterated by certain parts of the judiciary for the continuous enforcement of the death penalty for drug-related offences and about the numerous arrests of activists against the death penalty in 2016. In November, Atena Daemi, a campaigner against the death penalty, was reportedly brutally taken away from her parents' home to begin serving a seven-year prison sentence she had received in relation to her activities against the death penalty. In its comments on the present report, the Government of the Islamic Republic of Iran stated that in January 2017, her conviction had been reduced to five years in prison and that she was serving her sentence in Evin prison.

11. Two mass executions were conducted in 2016. On 5 August alone, 20 people belonging to the Kurdish minority were executed for alleged terrorism-related offences, although concerns had been expressed by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and by the United Nations High Commissioner for Human Rights regarding the fairness of their trials. On 27 August, 12 individuals were hanged on drug-related charges. In their cases as well, basic international human rights, fair trial standards and due process guarantees were reportedly disregarded.[4]

12. Capital punishment for drug-related offences does not comply with the "most serious crimes" requirement under article 6 of the International Covenant on Civil and Political Rights, which the Human Rights Committee has defined as murder or intentional killing.[5] The United Nations High Commissioner for Human Rights, special procedure mandate holders of the Human Rights Council and the Secretary-General have repeatedly reminded the Government of the Islamic Republic of Iran that executions for drug-related offences constitute a violation of international law.

13. Several individuals were executed in 2016 after being held on death row for long periods of time, in some cases for over 15 years. In October, Nemat Rahmani was reportedly extradited to the Islamic Republic of Iran and executed after serving 15 years in prison in Azerbaijan. In November, Shabaan Ranjbar and Gholamhossein Beigi were reportedly hanged after having spent 18 and 20 years in Khomain prison (Markazi Province) and in Lakan prison (Gilan Province), respectively. A juvenile offender, Amanj Vaisi, who was sentenced to death when he was 15 years old, has reportedly been held on death row for 10 years. The Secretary-General recalls that a prolonged period of time spent on death row causes anxiety and psychological suffering and has therefore been considered to amount to cruel, inhuman and degrading treatment.

14. The Secretary-General remains alarmed at the dehumanizing, cruel, inhuman and degrading practice of public executions. Despite a 2008 circular banning the practice, the

[3] See www.icana.ir/Fa/News/314689.

[4] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20425&LangID=E.

[5] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16581&LangID=E.

Government continues to justify its use, including for the alleged purpose of deterring drug-related offences (see A/70/352, para. 12). Thirty-three such executions were reportedly conducted in 2016. As in several past instances, children were present as spectators during some of those public executions. In July, the public execution of a prisoner in Sonqor County (Kermanshah Province) took place in front of a crowd of people, including children. In September, a prisoner was hanged in public at a sports stadium in the city of Neyriz, with at least one child watching the execution. In January 2016, the Committee on the Rights of the Child expressed serious concern about the impact on children of the continued practice of public executions.

15. The Secretary-General remains concerned about a number of cases of the death penalty that have a political dimension. Several individuals were reportedly executed in political cases and for non-violent economic crimes during the second half of 2016, following proceedings that reportedly did not comply with international norms regarding fair trial and due process provided for in article 14 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party. In August for instance, Mohammad Abdollahi, an alleged Kurdish militant, was executed at Darya, the central prison in Urmia. Mr. Abdollahi was charged solely on the basis of an accusation that he was a "supporter of a Kurdish opposition group" and was sentenced to death for *moharebeh* (enmity against God), although he reportedly never committed any armed or violent acts.[6] The execution of 20 people belonging to the Kurdish minority could also be considered an execution with a political dimension.

16. In the light of these concerns, the Secretary-General reiterates his predecessor's call to the Iranian authorities to abolish and/or restrict the use of the death penalty in law and in practice.

Execution of juvenile offenders

17. International human rights instruments ratified by the Islamic Republic of Iran impose an absolute ban on the execution of persons who were under 18 at the time of their offence, regardless of the circumstances and nature of the crime committed. Nevertheless, sentencing of children to death is still allowed under the 2013 Islamic Penal Code and no progress towards implementing the repeated recommendations of the High Commissioner, special procedure mandate holders and, most recently, the Committee on the Rights of the Child has been observed. The minimum age of criminal responsibility remains 9 lunar years for girls and 15 lunar years for boys, well below juvenile justice standards.[7]

18. Despite assurances by the Iranian authorities that the judiciary is endeavouring to prevent juvenile executions (see A/71/374, para. 19), at least five young individuals who were below the age of 18 at the time of their alleged offence were executed in 2016. Between 80 and 160 individuals convicted as children were reportedly on death row as of December 2016. Some of them, such as Alireza Tajiki, have reportedly spent 10 years or more awaiting execution. According to some non-governmental sources, the figure might be much higher.

19. In May 2016, Mehdi Rajai was reportedly executed along with 11 other individuals for a homicide he allegedly committed when he was 16 years old. In July, Hassan Afshar, aged 19, was hanged in Arak prison (Markazi Province), after his conviction in 2015 for allegedly raping another teenager. Hassan Afshar was sentenced to death only two months after his arrest, despite a commitment by the office of the head of the judiciary that his case would be reviewed. He was refused legal assistance and his family was reportedly not notified of his execution. In his most recent report, the Secretary-General's predecessor emphasized that up to 60 per cent of executions were reportedly taking place without any prior announcement and, in many cases, without the family being informed (see A/71/374, para. 14). Same-sex anal conduct being punished with the death penalty, partners are

[6] See https://iranhr.net/en/articles/2609/.

[7] See general comment No. 10 (2007) of the Committee on the Rights of the Child on children's rights in juvenile justice, para. 30.

reportedly often compelled to describe their consensual sexual activity as rape in order to avoid such a sentence.

20. Judgments imposing the death penalty on individuals under the age of 18 and the implementation of such judgments are incompatible with the international obligations of the country under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

21. The Secretary-General recalls that during its first universal periodic review, the Islamic Republic of Iran accepted a recommendation to consider the abolition of juvenile executions. The Secretary-General urges the Government to halt the execution of children in conflict with the law and to undertake a special review of the cases of persons on death row for crimes committed when they were under the age of 18, with a view to commuting or quashing their death sentences altogether.

B. Torture and other cruel, inhuman or degrading treatment or punishment

22. The Secretary-General remains concerned about the persistent practice of torture and ill-treatment in the Islamic Republic of Iran. The judiciary continues to sentence people, contrary to international human rights standards, to cruel, inhuman and degrading treatment, such as amputation of limbs, blinding and flogging in accordance with the provisions of the Penal Code.

Flogging, blinding and amputation

23. A wide range of acts considered as crimes under the Penal Code are punishable by flogging, including the consumption of alcohol and drugs, petty drug dealing, theft, adultery, "flouting" of public morals, illegitimate relationships and mixing of the sexes in public. Children can also be sentenced to this type of ill-treatment. The Secretary-General does not share the view of the Government, which argues that Islamic punishments are effective deterrent penalties and more humane in comparison with long-term imprisonment.

24. Between May and December 2016, 35 students who were holding a graduation party near the city of Qazvin, a blogger and writer accused of spreading lies and "disturbing public opinion", a theatre actor charged with "improper relations with the opposite sex" and nine goldminers from the company Agh Dare were reportedly subjected to flogging.

25. On 23 November 2016, Keywan Karimi, a prominent Kurdish filmmaker, was orally summoned to present himself to receive a flogging sentence of 223 lashes. He was sentenced in October 2015 to six years' imprisonment on the charge of "insulting Islamic sanctities" in connection with a music video clip the authorities found on his hard drive, and to 223 lashes on the charge of "illicit relations falling short of adultery" for shaking hands and being under one roof with a female friend who had not covered her head and neck. In their comments on the present report, the Iranian authorities indicated that the sentence of flogging had been removed from the final verdict on Mr. Karimi.

26. Official Iranian media, including the Iranian Students News Agency, reported that in November 2016, in a prison near Tehran, authorities blinded a man from Qorveh (Kurdistan Province). Three cases of forced blinding were reported in 2015. In December 2016, finger amputation sentences for two men detained in Urmia prison on charges of robbery were carried out. Seventy other prisoners, who were probably convicted of similar charges, were allegedly forced to watch the sentence being carried out.[8]

27. The Secretary-General recalls that sentences of flogging, blinding or amputation violate the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, contained notably in the International Covenant on Civil and Political Rights. The Secretary-General encourages the Government to review its position

[8] See www.hra-news.org/2016/hranews/a-9009/.

concerning the recommendations it received during the second cycle of the universal periodic review in relation to such practices and to outlaw them as a matter of priority.

Access to adequate health care for people in detention

28. Since June 2016, an increasing number of cases of denial of medical care attributed to the Prosecutor's Office or the prison administration have been reported. In many cases, denial, discontinuation and withholding of medication and treatment, as well as denial of release on medical grounds, were reported as intentional acts to intimidate and punish political prisoners and prisoners of conscience, or to extract forced confessions or statements of "repentance" from them. Between July and December 2016, at least 15 such cases were reported.[9]

29. In April, the Working Group on Arbitrary Detention issued an opinion on the arbitrary nature of the arrest and detention of Zeinab Jalalian and requested the authorities to release her immediately.[10] The Working Group observed that she had been denied transfer to a hospital for urgently needed eye surgery and that the Government had not refuted allegations that she was repeatedly tortured, deprived of adequate medical treatment and forced to receive injections. At the end of 2016, Ms. Jalalian was still in detention and had reportedly not yet received medical care.

30. In July, the Office of the Prosecutor reportedly refused to consider an alternative sentence for Hossein Ronaghi Maleki, a blogger who had been sentenced to 13 years' imprisonment for his blog, although the Iranian Legal Medicine Organization had declared in a written statement that he was not fit to serve time in prison.[11]

31. In October, Akbari Monfared, who was serving a 15-year prison sentence in relation to her alleged membership of the banned opposition group known as the People's Mojahedin Organization of Iran, was reportedly denied medical treatment after publishing a letter demanding justice for her brothers and sisters who were reportedly executed in 1988.

32. Several human rights defenders currently in detention, including Narges Mohammadi, Arash Sadeghi and Ali Shariati, were also denied medical treatment. At the time of writing of the present report, Mr. Sadeghi and Mr. Shariati were consequently still at risk of death or irreversible damage to their health. Several journalists have also been denied medical care, including Issa Sahrkhiz and Afarin Chitsaz.

33. The Secretary-General observes that depriving prisoners of medical care and putting their life at risk is a well-documented pattern in the Islamic Republic of Iran. He recalls that access to health care for prisoners is a right enshrined in both international and Iranian law and that depriving a prisoner of medical care often causes severe pain or suffering. When health care is denied as a form of punishment, intimidation or to extract a forced confession, it constitutes torture. The Secretary-General calls on the authorities to investigate all cases of denial of medical care, to take firm action against the perpetrators and to provide redress and rehabilitation to the victims.

Torture and ill-treatment upon arrest and in detention facilities

34. Other forms of ill-treatment of prisoners, such as the widespread use of solitary confinement and incommunicado detention, and the denial of the right to family visits (including contact with children), continue to be reported. An analysis of the 33 communications sent by special procedure mandate holders to the Government in 2016 shows that half the individuals covered by those communications were subjected to solitary confinement.

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[9] See Amnesty International, "Health taken hostage. Cruel denial of medical care in Iran's prisons" (2016). www.amnesty.org/en/documents/mde13/4196/2016/en.

[10] See opinion No. 1/2016.

[11] Article 502 of the Code of Criminal Procedure provides that if there is no prospect of recovery and the judge overseeing implementation of sentences is satisfied that the convicted person is unfit to serve the sentence, the judge shall refer the case to the court that originally issued the sentence to issue an alternative, appropriate sentence.

35. In June 2016, Ms. Mohammadi, a prominent human rights activist who has been campaigning for the abolition of the death penalty and had been sentenced to 16 years' imprisonment in May, went on hunger strike for 20 days to regain access to her children. In December, Nazanin Zaghari-Ratcliffe, a British-Iranian charity worker, whose detention was considered arbitrary by the Working Group on Arbitrary Detention in August 2016,[12] was reportedly pressured to choose between moving her 2-year-old daughter into prison with her for up to three days a week or signing a document indicating that she renounced to her right to be with her daughter.[13] She was also reportedly detained in isolation for two months upon her arrest and on several occasions thereafter.

C. Situation of women

36. The Government has still not ratified the Convention on the Elimination of All Forms of Discrimination against Women. Law and practices discriminating against women and girls, notably with regard to marriage, divorce, child custody, freedom of movement, nationality, employment and access to political functions, have remained in force, with no initiatives to repeal or amend them.

37. A crackdown on women's rights activists was observed in 2016. Several women who had been involved in the campaign for increased representation of women in the parliamentary elections in February 2016 were reportedly summoned for long, intensive interrogations by the Revolutionary Guard Corps, accused of espionage and threatened with imprisonment on charges related to national security.[14] Initiatives such as the website "Feminist school" and the campaign to change the masculine face of parliament, launched ahead of the parliamentary elections, came to a halt following pressure on women's rights defenders.

38. In October 2016, Golrokh Ebrahimi Iraee, a writer and human rights activist, started serving a six-year prison sentence on charges including "insulting Islamic sanctities" for writing an unpublished story about stoning. Together with her husband, Arash Sadeghi, she was initially taken to a secret detention place. She was later transferred to Evin prison under the control of the Revolutionary Guard Corps, where she was held for 20 days without access to her family, a lawyer or a court. She was reportedly subjected to long hours of interrogation while blindfolded and threatened with being sentenced to death. Her husband was reportedly subjected to torture by his interrogators. Ms. Ebrahimi Iraee was eventually released on bail in December, after her husband initiated a life-threatening hunger strike in protest against her imprisonment. In their comments on the present report, the authorities stated that Ms. Ebrahimi Iraee was on leave from 2 to 6 February 2017, but as she did not return on time, she was arrested 15 days later and returned to prison.

39. In November, Alieh Matlabzadeh, a photographer and women's rights activist, was arrested on her return from a seminar on women's empowerment in Georgia.[15] Twenty other women's rights activists, who took part in the same seminar, were reportedly questioned by the Ministry of Intelligence. A few days later, Ms. Matlabzadeh was summoned to present herself for interrogation at Evin prison. At the time of writing the present report, she had been released on bail and no information was available on the charges brought against her.

40. Bahareh Hedayat, another women's rights activist, was released in September 2016 after serving a five-year prison term. In an opinion issued in June 2016, the Working Group

[12] See opinion No. 28/2016.

[13] See www.amnesty.org.uk/press-releases/iran-british-woman-nazanin-zaghari-ratcliffe-pressured-jail-or-give-daughter.

[14] Amnesty International, "Iran: women's rights activists treated as 'enemies of the state' in renewed crackdown" 10 August 2016.

[15] Ms. Matlabzadeh worked for various publications, including *Zanan* (*Women*) magazine before it was banned. She is a member of the "One million signatures for gender equality" campaign and has actively protested against acid attacks on women. She also made a documentary entitled *Let's Not Forget Victims of Violence against Women in Society*.

on Arbitrary Detention determined that her detention was arbitrary and indicated that she had been detained in violation of her rights to freedom of expression and assembly and to a fair trial.[16]

41. At the end of 2016, Ali Shariati was on hunger strike in protest against the five-year sentence he received on the charge of acting against national security after participating in a protest in 2014 against acid attacks that had occurred in the city of Isfahan and had left at least seven women permanently disfigured. While Mr. Shariati was still in detention at the end of 2016, the perpetrators of the attacks had not been apprehended.

42. The Secretary-General welcomes the appointment of a Deputy President for Women and Family Affairs and the increasing number of women in the parliament. He also welcomes the information transmitted by the Government that the plan for "comprehensive population and family excellence", which posed serious threats to women's empowerment, was withdrawn from the parliamentary agenda in October. According to the World Economic Forum 2016 Global Gender Gap Index, Iran ranks 136th out of 145 countries with respect to political empowerment. It also ranks 140th in terms of economic participation and opportunity, with only 17 per cent of women in the labour force. The Secretary-General welcomes the decision taken by President Rouhani in July 2016 to suspend the examination for public sector jobs to investigate apparent discrimination against women.[17] However, progress seems unlikely in this field as long as legal provisions conditioning women's employment on the consent of their husband are maintained (article 1117 of the Civil Code) and laws giving preference to men in the labour market are not reformed.[18]

43. Strict and discriminatory rules on the dress code for women and girls continue to be enforced and have led to harassment, violence and the imprisonment of women. In May, Supreme Leader Ali Khamenei was quoted in State-run media as reiterating the need to be harsh on the issue of women's compulsory veiling and indicating that a verbal prohibition would not suffice. In Tehran alone, 7,000 agents were reportedly deployed to monitor compliance with the rules on wearing a hijab. Women who appear without an Islamic hijab risk arrest and imprisonment of between 10 days and 2 months, or a fine of up to 500,000 Rls. A social media campaign launched in July 2016, showing Iranian men protesting against compulsory veiling and advocating for change, received considerable support. However, it did not lead to any initiative at the official level for the revocation of the compulsory dress code imposed on women and girls.

44. Freedom of movement for women and girls was further restricted in 2016. In July, in the city of Marivan, a group of women were reportedly arrested for riding bicycles and made to sign pledges not to repeat the "violation". The police told them a new government directive had barred women from riding bicycles in public.[19] In September, Supreme Leader Ali Khamenei issued a fatwa banning women from bicycling in public and was quoted in official media as saying that riding a bicycle often attracts the attention of men and exposes society to corruption, and thus contravenes women's chastity. In their comments on the present report, the authorities stated that the Supreme Leader's fatwa was related to those who voluntarily emulated him in religious affairs, but that it was not binding, nor a governmental pronouncement.

45. Child marriage remains prevalent in Iran, where the legal age of marriage for girls is only 13, with girls as young as 9 years of age being married with the permission of a court. In December, Mohammad-Ali Pourmokhtar, a member of the Majlis Judicial and Legal

[16] See opinion No. 2/2016.

[17] See www.theguardian.com/world/2016/aug/02/iran-postpones-job-tests-gender-bias-state-exclusive-men.

[18] In the previous report of the Secretary-General to the Human Rights Council, he expressed concern about the adoption of the Comprehensive Population and Exaltation of Family Law, on 2 November 2015, indicating that by giving priority to men in the labour market, it further excluded women from that sphere (see A/HRC/31/26, para. 41).

[19] Lizzie Dearden, "Women 'arrested for riding bicycles' in Iran and made to sign pledge never to cycle in public again", *Independent*, 28 July 2016.

Commission, indicated that the marriages of about 12,000 to 13,000 children had been carried out unofficially and without registration.[20]

46. Child marriage is a violation of human rights that puts girls at risk of physical, psychological, economic and sexual violence and can lead to a range of poor health and social outcomes and other negative consequences, including early pregnancy and high rates of maternal and infant morbidity and mortality. Child marriage has also been increasingly recognized by international human rights bodies as a contemporary form of slavery. The Secretary-General is concerned that recommendations by international human rights mechanisms, most recently by the Committee on the Rights of the Child in January 2016, have not led to the repeal of legal provisions authorizing child marriage and that the authorities continue to claim that girls as young as 9 years old getting married might be in their best interests. The Secretary-General encourages the Supreme Leader and the Council of Guardians to pronounce themselves clearly against child marriage and to lead efforts towards the eradication of this harmful practice.

47. Women and girls are still prohibited from attending and participating in sporting events. Between February and July, several women were prevented from attending the Beach Volleyball World Championships, the Premier League soccer season and the International Volleyball Federation World League matches. In April, women were excluded from the first international marathon to be held in the country and in November, the Iranian Wrestling Federation barred three female athletes from participating in a world wrestling competition.

D. Restrictions on freedoms of expression and of peaceful assembly

48. The continued crackdown on media professionals, the pervasive restrictions on freedom of opinion and expression, including the closure of newspapers and magazines, and the ongoing monitoring, filtering and blocking of websites that carry political news and analysis remain of great concern. National security, espionage, propaganda against the system and insulting the Supreme Leader remain the most frequent charges invoked for the arrest and prosecution of journalists. At the end of the year, three opposition figures linked to the Green Movement, which gained popularity during the presidential elections of 2009, Mehdi Karroubi, Mir Hossein Mousavi and Zahra Rahnavard, remained under house arrest without formal charges or trial.

49. Hundreds of websites remain blocked and the Government has continued to tighten its control over social media. In December, the cyberpolice reportedly required Iranian-owned channels with more than 5,000 followers on the most popular messaging application, *Telegram*, to seek official registration. The authorities reportedly arrested 32 administrators of channels on the *Telegram* social media platform and accused them of "disturbing public order" and "spreading lies".

50. The Secretary-General welcomes the release, in January 2016, of Jason Rezaian, the *Washington Post* correspondent who had spent 544 days in prison. However, at least six journalists, including Chitsaz Afarin, Mohammad Seddigh Kaboudvand, Saeed Pourheydar, Issa Saharkhiz, Saman Safarzaee and Reihaneh Tabatabaie remained in prison at the end of 2016.[21]

51. In June, *Ghanoon* newspaper reportedly announced its closure pursuant to an order by the Chief Prosecutor in Tehran on the grounds that the paper was "publishing falsehoods with the intent to cause public anxiety". In October, the Prosecutor ordered that the closure order be lifted.

52. In August, two bills posing threats to press freedom were introduced, reportedly without media workers being consulted. One of them foresees the creation of a media affairs commission, which would include members of the intelligence agencies. That

[20] See www.ana.ir/news/166991.

[21] See Committee to Protect Journalists, 2016 prison census, available from cpj.org/imprisoned/2016.php.

commission is due to replace the independent Association of Iranian Journalists, which was closed down in 2009.

53. In September, the editor-in-chief of *Memari News*, Yashar Soltani, was reportedly arrested on charges, which included "spreading lies", after he reported on alleged corruption in the municipal government in Tehran. Sadra Mohaqeq, editor of the *Shargh Daily* newspaper, was also reportedly arrested in September and described in State-run media as "a collaborator who worked for anti-revolutionary media outlets" outside the country. That same month, a revolutionary court in Tehran reduced a three-year prison sentence it had handed down on journalist Issa Saharkhiz to 21 months. Mr. Saharkhiz, who had previously served as the Deputy Minister of Culture, had been imprisoned from 2009 to 2013 on charges of insulting the Supreme Leader and propaganda against the State. At the time of his arrest, he was contributing to the website *Rooz Online*.

54. In July, 92 student organizations reportedly wrote an open letter to President Rouhani expressing concern about threats against and intimidation of students after the declaration by Supreme Leader Ali Khamenei, on 18 June, on the risks of the politicization of students and the responsibility of university officials, senior administrators and academics to ensure a climate favourable to the promotion of Islamic revolutionary principles on campus. Dozens of students expelled from universities for political reasons between 2005 and 2016 had not been allowed to resume their studies at the end of 2016.

55. The Secretary-General welcomes the statement made by President Rouhani in November about the necessity for news media to feel safe while doing their jobs.[22] He recalls that freedom of information and expression is of paramount importance for every society. He urges the authorities to promote and protect the right of individuals to express themselves freely, to refrain from adopting any new legislation which would further restrict freedom of expression and to release all those who have been jailed for having peacefully expressed their opinions.

56. Human rights defenders, lawyers, students, women's rights activists, journalists and trade unionists, have, however, continued to face restrictions, arrest, conviction and imprisonment for exercising their rights to freedom of association.

57. More than 70 people were reportedly arrested in October 2016 at a peaceful gathering celebrating Cyrus the Great near the ancient city of Pasargadae in the central province of Fars. They were tried in mid-December without legal counsel and were sentenced to prison terms by a branch of the revolutionary court in the city of Shiraz on charges of propaganda against the State, disturbing public order and assembly and collusion against national security.[23]

58. In December, several people participating in peaceful gatherings were arrested. They included participants in a commemoration of the reported killing of two prominent writers in Emamzadeh Taher cemetery in Karaj.[24] Also in December, riot units of the Tehran security police, plain clothes agents and the Revolutionary Guard Corps from Sarallah headquarters reportedly brutally dispersed families, students and supporters of Mohammad Ali Taheri, who had peacefully gathered in front of Baqiyatallah hospital in Vanak, where Mr. Taheri had reportedly been transferred after several days on hunger strike.[25] At least 15 people, including 2 women and a 16-year-old teenager were arrested, some of them after reportedly having been violently beaten.

[22] See president.ir/fa/96233.

[23] Center for Human Rights in Iran, "Revolutionary court sentences more than 70 Iranians to prison for celebrating 'Cyrus Day'", 28 December 2016.

[24] Center for Human Rights in Iran, "Iranian lawyer and writers beaten and arrested at commemoration of murders of political dissidents in 1990s", 5 December 2016.

[25] See www.en-hrana.org/mohammad-ali-taheris-students-demonstration-raided-police.

E. Situation of human rights defenders and activists

59. The Secretary-General remains concerned at the shrinking space for human rights defenders, who continue to face harassment, intimidation, arrest and prosecution for defending rights and speaking up against violations and abuse. A large number of political prisoners and prisoners of conscience were still detained at the end of 2016 and many others received prison sentences in 2016. In December, eight prisoners of conscience went on a life-threatening hunger strike to contest the legality of their detention.

60. In May, the High Commissioner publicly reacted to the prison sentence pronounced by the revolutionary court in Tehran against Narges Mohammadi and called on the Iranian authorities to release her. Ms. Mohammadi won the 2009 Alexander Langer award for her human rights activities, especially her efforts to end the death penalty for juvenile offenders. In 2016, she received the City of Paris medal for her peaceful activism. In October, 15 members of parliament addressed a letter to the head of the judiciary, Ayatollah Sadegh Larijani, calling on him to reverse the 10-year prison sentence imposed on Ms. Mohammadi.[26]

61. Ms. Ebrahimi Iraee and her husband, Mr. Sadeghi, also a human rights activist, were imprisoned in June and October 2016, starting prison sentences of 6 and 15 years, respectively. Both were arrested in September 2014 and, upon arrest, were reportedly held in isolation and denied access to lawyers. Mr. Sadeghi was reportedly subjected to torture. During their trials, they were denied legal representation and could not defend themselves. Mr. Sadeghi was sentenced on charges including "spreading propaganda against the system", "assembly and colluding against national security" and "insulting the founder of the Islamic Republic", while Ms. Ebrahimi Iraee was condemned for "insulting Islamic sanctities" and "spreading propaganda against the system". In December 2016, Mr. Sadeghi ended a 71-day hunger strike after his wife was released on bail. However, despite his critical medical condition he was reportedly denied specialized medical care outside prison.

62. In November, Ahmad Montazeri, a 60-year-old cleric, was sentenced to seven years in prison by a clerical court in the city of Qom on charges of acting against national security and releasing a classified audio file, and for propaganda against the system. In August, he had released an audio recording of a discussion dating back to 1988 in which his father, Ayatollah Hossein Ali Montazeri, reportedly argued with leaders of the judiciary and condemned the execution of thousands of prisoners in 1988. The trial of Mr. Montazeri was reportedly held behind closed doors and he was prevented from choosing his own lawyer. The Secretary-General's predecessor expressed deep concern over the imprisonment of Mr. Montazeri and the apparent lack of investigation into the revelations contained in the audio recording.[27]

63. At the end of 2016, Saeed Shirzad, a children's rights activist, was still hospitalized after spending more than one month on hunger strike while serving a five-year prison sentence. Mr. Shirzad's sentence was issued in 2015 by Judge Abolqasem Salavati of Branch 15 of the Revolutionary Court for assembly and collusion against national security in connection with his activities in support of the children of political prisoners pursuing their education. In December, he reportedly sewed his lips shut and began a hunger strike to protest against the treatment of political prisoners at Rajaee Shahr prison. Dozens of political detainees are reportedly being held in ward 12 of the prison without basic sanitation or proper nutrition and without the possibility of regularly contacting their families. At the time of writing the present report, Mr. Shirzad was in a serious medical condition and there was no indication that the judiciary was ready to discuss his demands.

64. Several labour rights activists faced criminal prosecution in 2016, including Najbeh Salehzadeh from Saqqez city, who was reportedly charged in June with sacrilege and

[26] See www.isna.ir/news/95072514536.

[27] During the last months of 2016, the Office of the United Nations High Commissioner for Human Rights received copies of 31 letters addressed to the High Commissioner and to the Prosecutor of the International Criminal Court. The letters were complaints from families of persons killed in the mass executions which reportedly took place in 1988.

insulting the Supreme Leader. Two other labour rights activists, Mahmood Salehi and his wife, were prosecuted for propaganda against the regime at a trade union congress in France. Mr. Salehi was reportedly sentenced to nine years in prison.

65. Families of human rights defenders are also reportedly subjected to harassment. In July, the daughter of Nasrin Sotoudeh, a prominent lawyer, was reportedly prevented from travelling abroad. Such a travel ban violates the right to freedom of movement and the ability to leave the country, pursuant to article 12 of the International Covenant on Civil and Political Rights. Members of Ms. Sotoudeh's family had previously faced similar restrictions in 2012.

66. Invoking charges related to national security against individuals for merely expressing their opinion or participating in peaceful assemblies not only endangers their physical integrity but also undermines their work as human rights defenders and instils fear in society. The Secretary-General recalls that the ongoing harassment of and professional ban on human rights activists and lawyers, who are instrumental in representing their clients and safeguarding the rule of law, is a setback for the Islamic Republic of Iran as a whole.

67. The Secretary-General reiterates his call to the Iranian authorities to release political prisoners, including human rights defenders and lawyers, detained solely for legitimately and peacefully exercising their rights to freedoms of expression, association and peaceful assembly.

F. Treatment of religious minorities

68. Members of religious and ethnic minorities have continued to endure abuse and discrimination and face persecution, including arrest and imprisonment, expulsion from educational institutions, denial of economic opportunities, deprivation of the right to work, the closure of businesses and the destruction of religious sites, such as cemeteries and prayer centres.

69. As highlighted in the most recent report of the Secretary-General's predecessor, Baha'is have been considered by special procedure mandate holders as the most severely persecuted religious minority in the Islamic Republic of Iran (see A/71/374, para. 64). In a joint press statement issued in June 2016, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed concern at speeches made in May and June by 169 religious, judiciary and political officials inciting hatred of the Baha'i community and reflecting extreme intolerance of them. The Special Rapporteurs also stressed that 72 Baha'is were in prison solely because of their religious beliefs and practices. During the period covered by the present report, the Baha'is were the target of similar hate speech and numerous arrests and detentions took place.

70. In many previous reports, the Secretary-General's predecessor has expressed concern over the denial of access to university to members of the Baha'i community. In July 2016, the Court of Administrative Justice confirmed a decision of the Educational Measurement and Evaluation Organization *Sanjeh* denying two adherents of the Baha'i faith, Ms. Fanaian and Mr. Rahmani, entry into university for the academic year 2014/15. In October, at least 129 Baha'i students who had satisfactorily completed their university entrance examinations were reportedly excluded from admission.

71. The Secretary-General is concerned about the serious violations of the right to education, work and an adequate standard of living, to which members of the Baha'i community continue to be exposed. Between June and November 2016, at least 150 businesses owned by Baha'is across the country were shut down by the authorities. The Secretary-General urges the authorities to repeal all legal provisions which allow discrimination against the Baha'is.

72. The continuous discrimination against and persecution of other religious minorities also remains of concern. In December, five dervishes of the Sufi Gonabadi Order were arrested in the city of Dezful. They were reportedly initially arrested at an exhibition

honouring Sacred Defence Week in September, and were formally charged in November with disturbing public order, destruction of public property, insulting the sacred and insulting senior officials.

73. In December, the largest Persian-speaking Protestant community in the country, Jama'at-e Rabbani, announced that Sharon Gardens, in the city of Karaj and of which it was the owner, had been confiscated. Charges of espionage were reportedly brought against the community and in July 2015, Branch 3 of the Tehran Revolutionary Court ordered the confiscation of its premises. That decision was upheld by the Appeals Court in August 2016.

74. The Secretary-General renews his predecessor's call on the Government to respect the right to freedom of religion and belief, to address all forms of discrimination in all spheres of life, to uphold and implement legislation that protects minority groups and individuals, and to ensure the release of all individuals imprisoned on the basis of their religion or belief.

G. Reprisals against activists cooperating with the United Nations

75. Allegations of reprisals against individuals because of their cooperation or contact with the United Nations human rights mechanisms or representatives remain a cause for great concern.

76. In a press statement issued in November 2016, several special procedure mandate holders urged the Government to end the harassment of a woman trying to learn the fate of her brother, Hossein Rahemipour, and his newborn daughter, who had disappeared from prison more than 30 years earlier. In June, the Working Group on Enforced or Involuntary Disappearances reviewed the case of the alleged enforced disappearance of Mr. Rahemipour and transmitted it to the Government. The experts indicated that the charges against Raheleh Rahemipour might be in direct reprisal for her human rights activism in the search for her relatives and the exercise of her rights to peaceful assembly and freedom of expression.

77. The Secretary-General urges the Government of the Islamic Republic of Iran to protect individuals from all acts of reprisal and to investigate and ensure accountability for all cases of intimidation and reprisal.

III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Cooperation with the human rights treaty bodies

78. The Secretary-General welcomes the cooperation of the Islamic Republic of Iran with the treaty bodies, which has improved in recent years. The first report to the Committee on the Rights of Persons with Disabilities (CRPD/C/IRN/1) has been scheduled for consideration in March 2017. The Secretary-General also encourages the Government to submit its fourth report under the International Covenant on Civil and Political Rights, which has been overdue since November 2014.

79. The Secretary-General encourages the Government to comply fully with the follow-up mechanisms of the treaty bodies and to provide the information sought by the committees on the implementation of recommendations made in their concluding observations. He renews his predecessor's call on the Government to seize this opportunity to examine the progress made in the application of the human rights treaties by way of accurate, regular and timely reporting.

B. Cooperation with special procedures

80. The Secretary-General welcomes the significant increase in the number of communications sent by special procedure mandate holders that have received a response from the Islamic Republic of Iran. Of the 33 communications sent between January and December 2016, the Iranian authorities responded to 21. The majority of the communications addressed concerns with regard to cases of torture, execution, arbitrary arrest and the detention of journalists and human rights activists, the persecution of religious minorities, unfair trials, ill-treatment of prisoners, the denial of medical treatment for prisoners and reprisals against individuals for their contact with United Nations human rights mechanisms.

81. The Secretary-General encourages the Government to show full cooperation with the newly appointed Special Rapporteur on the situation of human rights in the Islamic Republic of Iran by allowing her to visit the country. Although he repeatedly sought access to the country following his appointment in 2011, the previous mandate holder was never invited to visit by the authorities.

82. The Secretary-General welcomes the invitations extended to the Special Rapporteur on the right to food and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights for a country visit. They would be the first country visits by mandate holders since 2005 and would represent a step forward in the implementation of the standing invitation issued by the Government in 2002 to all thematic special procedures. It should be recalled that the Government had previously agreed in principle to visits by the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of religion or belief. The Secretary-General also encourages the Government to respond positively to the requests for visits it received from the Working Group on Arbitrary Detention in 2015 and from the Special Rapporteur on the independence of judges and lawyers in 2006.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

83. The High Commissioner has continued to raise human rights concerns with Iranian officials, including in meetings with the Minister for Foreign Affairs, the head of the High Council for Human Rights, the Permanent Representative of the Islamic Republic of Iran to the United Nations and visiting delegations. The High Commissioner has also intervened with the Iranian authorities on individual cases. The Secretary-General welcomes these exchanges and encourages the Government to pursue a dialogue on the implementation of recommendations received during the second cycle of the universal periodic review and to take advantage of the technical cooperation programmes of the Office of the High Commissioner with a view to abolishing and/or restricting the use of the death penalty in law and practice.

D. United Nations Development Assistance Framework

84. The Secretary-General expects that the Government of the Islamic Republic of Iran and the United Nations system will implement programming under the United Nations Development Assistance Framework from a human rights and a gender perspective, consistent with human rights obligations. That is also consistent with the spirit of the commitment to human rights made by the Government under the 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals contained therein.

IV. Recommendations

85. **The Secretary-General remains deeply troubled by the continuing large number of executions, including of juveniles, and reiterates his predecessor's call on**

the Government to introduce a moratorium on the use of the death penalty and to prohibit and refrain from the execution of juvenile offenders in all circumstances.

86. The Secretary-General reiterates his predecessor's concern about continued restrictions on public freedoms and the related persecution of civil society actors, the persistence of discrimination against women and minorities and the conditions of detention. He urges the Government to create space for human rights defenders, lawyers and journalists to exercise their peaceful, legitimate activities safely and freely, and to release political prisoners, including human rights defenders and lawyers, detained solely for legitimately exercising their right to freedoms of expression, association and peaceful assembly.

87. The Secretary-General encourages the Government to take practical steps to eliminate all forms of discrimination against women and girls in all spheres of life — civil, political, economic, social and cultural.

88. The Secretary-General urges the Government to take prompt steps to protect the rights of all persons belonging to religious and ethnic minorities and to remove and address all forms of discrimination against them.

89. The Secretary-General welcomes the engagement of the Islamic Republic of Iran with the human rights treaty bodies and urges the Government to follow up on the concluding observations of all treaty bodies. He also calls on the Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

90. The Secretary-General welcomes the invitation that the Government has extended to the High Commissioner for Human Rights to visit the Islamic Republic of Iran and encourages it to cooperate fully with the newly appointed Special Rapporteur on the situation of human rights in the Islamic Republic of Iran by giving her access to the country. He also encourages the Islamic Republic of Iran to engage constructively with the Office of the High Commissioner on the follow-up to all recommendations in the present and previous reports, as well as those of all the human rights mechanisms, including the universal periodic review.